

REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.112, and in light of the remarks which follow, are respectfully requested.

The specification and claims have been amended to clarify the terminology "maleic anhydride monoester". As set forth in paragraph [0020] on page 8 of the specification, maleic anhydride monoesters are more correctly described as monoesters of maleic acid. Note also paragraph [0018] which recites "maleic anhydride monoester (maleic acid monoester)".

Claim 6 has been amended in response to a §112 issue raised in the Office Action. New claims 21-23 have been added. Support for the features in these claims may be found in originally filed claims 4-6. Claims 1-23 are now pending in this application.

Claim 6 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for the reason set forth in paragraph (3) of the Official Action. In response thereto, claim 6 has been amended to clarify that the molecular weight refers to the copolymer. Thus, this rejection has been obviated and should be withdrawn.

Claims 1, 2 and 4-20 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,547,796 (Kohtaki et al) in view of U.S. Patent No. 6,660,443 (Sugiyama et al) for the reasons set forth in paragraph (4) of the Office Action. Reconsideration and withdrawal of this rejection are requested for at least the following reasons.

The present claims are directed to a toner composition comprising a binder resin, a wax, a colorant and a copolymer of an α -olefin, maleic anhydride and a monoester of maleic acid. The copolymer functions as a wax dispersant. Thus, the claimed compositions include

both a binder resin and a copolymer of an α -olefin, maleic anhydride and a monoester of maleic acid.

Kohtaki et al '796 fails to disclose or suggest a toner as claimed herein. The reference discloses that the binder may be a vinyl resin and may be prepared from a list of monomers which includes maleic anhydride (column 10, line 40), half esters of unsaturated acids (column 10, lines 42-45), and α -monoolefins (column 10, last line). Copolymers of an α -olefin, maleic anhydride and a half ester of maleic acid are not specifically set forth. Also, compositions containing a toner resin and the specified copolymer likewise are not disclosed.

Sugiyama et al '443 does not supply the aforementioned deficiencies in Kohtaki et al '796. Sugiyama et al '443 discloses toner compositions containing a modified polyester as a binder. Polymer-type protective colloids may be added such as homopolymers and copolymers of maleic anhydride and maleic acid (column 17). Copolymers of α -olefins, maleic anhydride and a half ester of maleic acid are not disclosed.

It is submitted that there is no teaching in the cited references which would have motivated those of ordinary skill to prepare a toner composition containing a binder resin and a copolymer of an α -olefin, maleic anhydride and a maleic acid half ester. Even if motivation existed to combine the respective disclosures of Kohtaki et al '796 and Sugiyama et al '443, the presently claimed toner compositions would not have resulted.


In view of the above, the §103 rejection over Kohtaki et al '796 and Sugiyama et al '443 should be withdrawn. Such action is earnestly solicited.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683.

Respectfully submitted,

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Date: August 2, 2005

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